

108TH CONGRESS
1ST SESSION

H. CON. RES. 268

IN THE SENATE OF THE UNITED STATES

OCTOBER 29, 2003

Received and referred to the Committee on Commerce, Science, and
Transportation

CONCURRENT RESOLUTION

Expressing the sense of the Congress regarding the imposition of sanctions on nations that are undermining the effectiveness of conservation and management measures for Atlantic highly migratory species, including marlin, adopted by the International Commission for the Conservation of Atlantic Tunas and that are threatening the continued viability of United States commercial and recreational fisheries.

Whereas some fishing vessels of members and nonmembers of the International Commission for the Conservation of Atlantic Tunas (hereinafter referred to as the “Commission”) that fish in the Commission regulatory area have not conformed with Commission recommendations for some stocks, including those promoting the live release of Atlantic marlin;

Whereas repeated nonconformance with Commission recommendations by fishing vessels of Commission members and nonmembers undermines the effectiveness of the Commission to establish, maintain, and enforce conservation measures, including rebuilding plans for overfished species of fish that are under the Commission's management authority;

Whereas failure of Commission members to enforce Commission conservation and management measures, including reductions in Atlantic marlin landings, threatens the continued viability of United States commercial and recreational fishing industries and undermines conservation goals;

Whereas the Commission has adopted a resolution that further defines the scope of illegal, unregulated, and unreported fishing activities by large-scale longline vessels in the Commission regulatory area; and

Whereas such resolution includes provisions directing Commission members and cooperating nonmembers to take every possible action, consistent with relevant laws, to prevent the engagement in transaction and transshipment of tunas and tuna-like species from vessels that engage in illegal, unregulated, and unreported fishing activities, including vessels that engage in any fishing that is not in compliance with relevant Commission conservation and management measures: Now, therefore, be it

- 1 *Resolved by the House of Representatives (the Senate*
- 2 *concurring)*, That it is the sense of Congress that—
- 3 (1) the President should, consistent with statu-
- 4 tory authorities and international obligations—

1 (A) direct the United States Commis-
2 sioners to the International Commission for the
3 Conservation of Atlantic Tunas (in this resolu-
4 tion referred to as the “Commission”) to seek
5 the establishment of effective conservation,
6 management, and enforcement measures for the
7 species under consideration at the 2003 Com-
8 mission meeting, including for Atlantic marlin;

9 (B) continue to encourage members and
10 nonmembers that fish in the Commission regu-
11 latory area to make every effort to end illegal,
12 unregulated, and unreported fishing, including
13 any fishing that is not in conformance with rel-
14 evant conservation recommendations adopted by
15 the Commission, including those concerning At-
16 lantic marlin landing reductions;

17 (C) make full use of all appropriate diplo-
18 matic mechanisms, relevant international laws
19 and agreements, and other appropriate mecha-
20 nisms to ensure conformance with conservation
21 recommendations for all species under the Com-
22 mission’s management authority, including At-
23 lantic marlin; and

24 (D) continue to encourage the Commission
25 to adopt conservation recommendations author-

1 izing the use of enforceable measures to prevent
2 those who fish in the Commission regulatory
3 area from taking actions that would undermine
4 the effectiveness of conservation and manage-
5 ment recommendations of the Commission;

6 (2) when the vessels of a country are being
7 used in the conduct of fishing operations in the Con-
8 vention area in a manner or in such circumstances
9 as would tend to diminish the effectiveness of the
10 conservation recommendations of the Commission,
11 the President and the Secretary of Commerce, con-
12 sistent with their statutory authorities and inter-
13 national obligations, should—

14 (A) exercise their authorities under the At-
15 lantic Tunas Convention Act of 1975 (16
16 U.S.C. 971 et seq.); and

17 (B) exercise their authorities under the
18 provisions of the Commission's rules that en-
19 sure conformance with Commission rec-
20 ommendations by member and nonmembers;
21 and

22 (3) if nationals of a Commission member or
23 nonmember, directly or indirectly, are conducting
24 fishing operations in a manner or under cir-
25 cumstances which diminish the effectiveness of the

1 Commission's fishery conservation programs, then
2 the Secretary of Commerce, consistent with inter-
3 national obligations, should certify that fact under
4 section 8(a)(1) of the Fishermen's Protective Act of
5 1967 (22 U.S.C. 1978 (a)(1)).

Passed the House of Representatives October 28,
2003.

Attest:

JEFF TRANDAHL,

Clerk.